

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF NEW HAMPSHIRE

Laurie Ortolano :
v. : Civil Action No. 22-cv-00326-LM
The City of Nashua, et al. :
:

DEFENDANT FRANK LOMBARDI'S
MOTION FOR SUMMARY JUDGMENT

Now comes Defendant Frank Lombardi, through counsel, and pursuant to Fed. R. Civ. P. 56 moves for Summary Judgment on all remaining claims in Plaintiff's Complaint. In support hereof, Defendant relies upon the accompanying Memorandum of Law and further states as follows:

1. Plaintiff initiated this action by Verified Complaint dated August 23, 2022, naming as Defendants the City of Nashua, its Mayor, and several of its current and former employees, including Frank Lombardi, a Nashua Police Department detective assigned to investigate claims that Plaintiff made regarding alleged criminal activity at the City's Assessing Department.
2. Although the Complaint originally included ten counts, including due process, state constitutional, and emotional distress claims, after this Court ruled on the various Defendants' Motions for Judgment on the Pleadings [Doc. Nos. 58, 60 & 61], Plaintiff reduced her claims to just four. *See* Stipulation of Dismissal [Doc. No. 63].
3. Of these, only two of the remaining counts ostensibly relate to this Defendant:
Count I: Claim pursuant to 42 U.S.C. § 1983, asserting that Defendants violated Plaintiff's First Amendment rights by "restricting, regulating, suppressing, or chilling" her speech and/or retaliating against her on account of her speech; and

Count II: Claim pursuant to 42 U.S.C. § 1983, asserting that Defendants violated Plaintiff's First Amendment right to petition by taking adverse action against her on the basis of her exercise of that right.

4. The undisputed facts establish that Plaintiff cannot succeed on either claim as to this Defendant.

5. Specifically, no act by Det. Lombardi violated Plaintiff's First Amendment rights and, even were this Court to conclude otherwise, he would be immune from liability under federal law.

6. As such, Defendant Lombardi is entitled to judgment as a matter of law.

WHEREFORE, Defendant respectfully requests that this Court:

- A. Grant this Motion;
- B. Enter Judgment on all claims against Defendant Lombardi; and
- C. Grant such further relief as justice requires

Respectfully submitted,

FRANK LOMBARDI

By his attorneys

CULLEN COLLIMORE SHIRLEY PLLC

Dated: May 29, 2024

By: /s/ Brian J.S. Cullen

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CERTIFICATE OF SERVICE

I certify that a copy of this filing was served via the Court's ECF filing system upon counsel of record.

Dated: May 29, 2024

By: /s/ Brian J.S. Cullen

Brian J.S. Cullen